



POLICE DEPARTMENT CITY OF NEW YORK

November 9, 2016

MEMORANDUM FOR: Police Commissioner

Re: Detective Carlos Cano
Tax Registry No. 944411
Gun Violence Suppression Division
Disciplinary Case No. 2014-12627

Detective Kevin Desormeau
Tax Registry No. 941653
Housing Borough Manhattan
Disciplinary Case No. 2014-12625 & 2015-13940

Detective Stephen Lalchan
Tax Registry No. 947149
Gang Squad Queens South
Disciplinary Case No. 2015-13945

Charges and Specifications:

Disciplinary Case No. 2014-12627

1. Said Police Officer Carlos Cano, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, abused his authority as a member of the New York City Police Department in that he stopped Person A without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 1 - STOP AND FRISK
2. Said Police Officer Carlos Cano, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, abused his authority as a member of the New York City Police Department in that he stopped Person B without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 1 - STOP AND FRISK
3. Said Police Officer Carlos Cano, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, abused his authority as a member of the New York City Police Department in that he stopped Person D without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 1 - STOP AND FRISK

4. Said Police Officer Carlos Cano, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, abused his authority as a member of the New York City Police Department in that he frisked Person A without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 2 - STOP AND FRISK

Disciplinary Case No. 2014-12625

1. Said Police Officer Kevin Desormeau, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, wrongfully used force in that he shoved Person E without police necessity.
P.G. 203-11 USE OF FORCE
2. Said Police Officer Kevin Desormeau, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, was discourteous in that he failed to courteously and clearly state his name when requested to do so by Person E.
P.G. 203-09, Page 1, Paragraph 1 - PUBLIC CONTACT -GENERAL
3. Said Police Officer Kevin Desormeau, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, abused his authority as a member of the New York City Police Department in that he stopped Person A without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 1 - STOP AND FRISK
4. Said Police Officer Kevin Desormeau, on or about August 15, 2013, at approximately 1935 hours, while assigned to Gang Squad Queens and on duty, in the vicinity of [REDACTED], Queens County, abused his authority as a member of the New York City Police Department in that he stopped Person B without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 1 - STOP AND FRISK

Disciplinary Case No. 2015-13940

1. Said Detective Kevin Desormeau, on or about April 10, 2014, at approximately 1752 hours, while assigned to Gang Q and on duty, in the vicinity [REDACTED], Queens County, abused his authority as a member of the New York City Police Department, in that he stopped Person C without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 1 - STOP & FRISK
2. Said Detective Kevin Desormeau, on or about April 10, 2014, at approximately 1752 hours, while assigned to Gang Q and on duty, in the vicinity [REDACTED], Queens County, abused his authority as a member of the New York City Police Department, in that he frisked Person C without sufficient legal authority.
P.G. 212-11, Page 1, Paragraph 2 - STOP & FRISK
3. Said Police Officer Kevin Desormeau, on or about April 10, 2014, at approximately 1752 hours, while assigned to Gang Q and on duty, in the vicinity of [REDACTED]

██████████, Queens County, was discourteous in that he refused to provide his shield number to Person C.

P.G. 203-09, Page 1, Paragraph 1 - PUBLIC CONTACT-GENERAL

Disciplinary Case No. 2015-13945

1. Said Police Officer Stephen Lalchan, on or about April 10, 2014, at approximately 1752 hours, while assigned to Gang Q and on duty, in the vicinity ██████████ ██████████ ██████████, Queens County, abused his authority as a member of the New York City Police Department, in that he questioned Person "Unknown" without sufficient legal authority.

P.G. 212-11, Page 1, Paragraph 1 - STOP & FRISK

2. Said Police Officer Stephen Lalchan, on or about April 10, 2014, at approximately 1752 hours, while assigned to Gang Q and on duty, in the vicinity ██████████ ██████████ ██████████, Queens County, was discourteous in that he refused to provide his shield number to Person C.

P.G. 203-09, Page 1, Paragraph 1 - PUBLIC CONTACT-GENERAL

Appearances:

For CCRB-APU: Andre Applewhite & Timothy Jones, Esqs.
Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

For the Respondents: John Arlia, Esq.
Wenger & Arlia Esqs., LLP
20 Vesey Street, Suite 210
New York, NY 10007

Hearing Dates:

July 14 and September 8, 2016

Decision:

Disciplinary Case No. 2014-12627

Respondent Cano - Not Guilty of Specifications 1, 2 and 3; Guilty of Specification 4.

Disciplinary Case No. 2015-13940

Respondent Desormeau - Not Guilty.

Disciplinary Case No. 2014-12625

Respondent Desormeau - Not Guilty.

Disciplinary Case No. 2015-13945

Respondent Lalchan - Not Guilty.

Trial Commissioner:
ADCT Nancy R. Ryan

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on July 14, and September 8, 2016. Respondents, through their counsel, entered a pleas of Not Guilty to the subject charges. Respondents testified on their own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find Respondents Desormeau and Lalchan Not Guilty of the charged misconduct. I find Respondent Cano Not Guilty of Specifications 1, 2, and 3 but Guilty of Specification 4 of Disciplinary Case No. 2014-12627.

FINDINGS AND ANALYSIS

Disciplinary Case Nos. 2014-12627 and 2014-12625

It is undisputed that at approximately 1935 hours on August 15, 2013, Respondents were on duty, in plainclothes, in the vicinity of [REDACTED] in Queens, NY. They interacted with males standing in front of a store. The number of males and the nature of the interaction is in dispute.

Respondent Desormeau testified that during his career he has made over 300 arrests related to drugs/drug possession. (Tr. 74-75) He had previously made arrests involving drugs and narcotics in the vicinity of [REDACTED] and believed it to be a drug-prone location. (Tr. 59-60) On this occasion, while he was in his car, he saw two males who "looked suspicious" since they were looking around. He testified he saw one of the males give the other male an object in return for money. (Tr. 60) He believed it was a drug transaction taking place.

(Tr. 66) With his shield visible, Respondent got out of the car. The males were "screaming" that they had cigarettes. As Respondent Desormeau got closer to the males he saw it was cigarettes, and not drugs, that had been exchanged for money. He requested identification from the males but they refused. (Tr. 62) No one was arrested. After the stop, he returned to his car and filled out his memo book. (Tr. 69) He later learned the names of the two individuals he stopped to be Person A and Person B. (Tr. 63-64) He denied shoving anyone at the scene. He also testified that he did not recall anyone at the scene requesting his identification. (Tr. 63) In his CCRB interview he stated that his partner, Respondent Cano, did not frisk anyone. (Tr. 72) At trial he testified he did not recall seeing Respondent Cano frisk anyone. (Tr. 72)

Respondent Cano testified that during his career he personally had made about 250-300 arrests, with about 75% of those relating to narcotics. (Tr. 79) He also received training during his career on things to look for to identify possible drug sales, such as exchanges of money, furtive movements, and common drug packaging. (Tr. 79-80) On the day in question, he observed two men exchange money in a secretive way at [REDACTED], a location he knew to be a drug-prone location. (Tr. 82) He and Respondent Desormeau got out of the car. His intention was to question the males to determine if they were selling drugs. He and Respondent Desormeau did not communicate with each other at that point. (Tr. 83) Respondent Cano stopped one male and Respondent Desormeau stopped the other male. Respondent Cano testified that when he first approached the male he noticed a bulge in one of his pockets and he frisked "that area." He immediately felt the object to be keys and he ended his physical contact with the male. (Tr. 83-84) At some point during the incident he heard a commotion off to the side and then observed, "an older black male pretty irate." He further testified that he saw other

people around the male trying to calm him down and push him back. He never observed Respondent Desormeau coming in contact with this older male. (Tr. 84)

Respondent Cano said he stopped the two males because he was following Respondent Desormeau's lead, combined with the exchange of money that he himself saw. (Tr. 85) He testified that he conducted the frisk for his own safety, "to make sure it wasn't a weapon." He did not feel he was in danger at that point. (Tr. 85-86) Upon further questioning about the frisk, he said the shape he observed looked, "like half an egg". He has seen knives that take all shapes but on cross-examination he admitted that when he patted the male down, he had no idea exactly what was in his pocket but he just wanted to find out what it was. (Tr. 98-99)

No civilian witnesses appeared at trial. The CCRB submitted four transcripts and audio CDs. Two of the transcripts are of phone calls made to the CCRB. One is purported to be from Person D and the other is purported to be from Person B. While these transcripts and audios were admitted into evidence, upon review of them it is not possible to conclude with a reasonable degree of certainty who the CCRB investigator was actually speaking to. Not only is there no signed verification pertaining to these transcripts, but it is not even possible to determine what phone number the calls are being made from. In the case of the Person B transcript (CCRB Ex. 5A), the investigator asks the person on the phone to confirm an address she gives him and he indicates it is not his correct address. And in the Person D transcript (CCRB Ex. 4A), again the investigator provides the caller with a home address and asks if that is correct, rather than trying to test whether the person she was speaking to had the correct information. While there are details in the transcripts concerning the incident, there is no way to ascertain if the callers were merely told a story or were actual witnesses to what occurred. Based on this, I have not given any weight to these two statements.

The transcript of a conversation with a male purported to be Person A (CCRB Ex. 3A) is also in evidence. The fact that this call was an outgoing call from the CCRB investigator to a number she believed to be Person A's number does make it more probable, than in the situation with the transcripts mentioned above, although still inconclusive, that the speaker is in fact Person A.

In Person A's telephone statement he indicated that he was standing in front of his parent's store with money in his hand but he asked his cousin, Person B, for a few extra dollars. His cousin started talking to a detective and then another male came up behind Person A and grabbed his arm. The male said they were cops but Person A told the male he didn't know that. Person A said that then, "we're basically kind of going back and forth." while the male searched him. The male went into his pockets and pulled everything out. After the search the male said, "you good, go ahead. Get out of here." The males got back in their car but they got out of the car again and the tall white male grabbed him, while the black male went straight over to Person E and pushed him. Person A stated, "we heard thumping on the floor, he threw him out into the van, boom." Person E then got mad and started asking for their badge numbers. The black male then pushed Person E into the van again. People started to come to the area with their phone cameras and the males then left. (CCRB Ex. 3A and 3B)

Person E was interviewed in person by CCRB (CCRB Ex. 2A). He told the investigator he was sitting in his van near the store in question when he saw two males he presumed were police officers "harassing" Person A and Person B. He saw the officers leave and then come back to "harass" them again. Person E stated that at that point he got out of his van and started to tell the officers they were "all wrong" and they should identify

themselves. He described the situation as "escalating." One officer came up to him and pushed him in his chest. (CCRB Ex. 2A, 4-5) There was a screaming match and people started gathering. Person E said he tried to get to the officer but everyone just held him back. He stated that the police officers, "pulled their badge out one time and just pulled it back in..." (CCRB Ex. 2A, 6)

In this case, the charges against Respondent Cano are that he stopped three men, Person A, Person B and Person C without sufficient legal authority and that he wrongfully frisked Person A. Respondent Desormeau is charged with wrongfully stopping two men, Person A and Person B and with the wrongful use of force in shoving Person E and being discourteous to Person E by failing to clearly state his name when requested to do so.

Respondent Cano and Respondent Desormeau in their testimony admitted to approaching two males to stop them. Based on the information later learned by Respondent Desormeau, these two men were Person A and Person B. With regard to the charge concerning a stop of Person D I find that CCRB has not met its burden of proof by a preponderance of the credible evidence that the Respondents stopped a Person D. I have not credited the unverified telephone call from a male purporting to be Person D. In addition, in Person A's description of events, he describes only himself and Person B as standing outside the store engaging in the conversation about money. In Person E's statement he also just initially refers to seeing "Person A" (Person A) and "Person B" (Person B) standing by the store. At a later point he does refer to a third individual being present but says he doesn't know his name. (CCRB Ex. 2A, 6) This does not constitute sufficient evidence to conclude by a preponderance that Respondent Cano stopped Person D and therefore I find him Not Guilty of Specification 3.

With regard to Person A and Person B, both Respondents in their testimony described the encounter as a stop. The question becomes whether they had sufficient legal authority to do so. Under Patrol Guide Section 212-11, which was in effect at the time of the incident, an officer is permitted to temporarily detain a person for questioning when he or she reasonably suspects a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor. Whether a stop was permissible is fact specific and requires a case by case determination. I find that the Respondents in this case did articulate a reasonable basis for this particular stop.

Various factors can lead to a reasonable suspicion that a drug transaction has occurred. These include whether the location has a high incidence of drug sales, the officer's experience and training, and the behavior of the suspects. *People v. Jones*, 90 N.Y.2d 835, 837 (1997) These factors weigh in favor of a finding that the Respondents had reasonable suspicion to make the stop in this case.

Respondent Desormeau testified that he stopped the two males based on several factors that led him to conclude a drug sale had taken place. These factors included his experience in making drug arrests, his knowledge at the time of the incident that the location was a drug-prone one, and his observations of money being exchanged for an object by males who appeared to be looking around in a suspicious manner.

Respondent Cano has similar experience to that of Respondent Desormeau in having made numerous previous arrests for drugs and also being aware at the time of the incident that the location in question was a drug-prone location. He did not see an object being exchanged for money but did see money being exchanged in a secretive manner. He also testified that he was following his partner's lead in stopping the two males.

As the Respondents had sufficient reasonable suspicion to believe that a drug sale was taking place, I find them both Not Guilty of the charges that they wrongfully stopped Person A and Person B.

With regard to the charge concerning the frisk of Person A, based on Respondent Cano's own testimony, I find him Guilty of unlawfully frisking Person A. Under Patrol guide section 212-11, an officer may only frisk a person when they reasonably suspect either they themselves or another person is in danger of physical injury. Here Respondent Cano specifically said he did not feel he was in danger at the point he frisked Person A. He testified he had no idea what was in Person A's pocket but just wanted to find out what the item that looked like half an egg to him actually was. This is an insufficient justification to frisk someone.

With regard to the charges that Respondent Desormeau pushed Person E and failed to courteously and clearly state his name to Person E, this comes down to a question of credibility. One the one hand is the hearsay in a telephonic interview of Person A and the hearsay statements of Person E versus the in court testimony of both Respondents. I found the Respondents to both be credible based on their demeanor and the nature of their responses to questions. Respondent Desormeau has denied pushing Person E and Respondent Cano did not see him do so.

As hearsay, I have given little weight to the statements of either Person A or Person E. Person A cannot be questioned to test his version of events or to determine if his view of the encounter may have been biased from his previous encounters with the police which resulted in two guilty pleas to disorderly conduct. Similarly, Person E, may also have reason to be biased against the police. Person E has a prior felony conviction for which he was

sentenced to seven years in jail and was subsequently convicted of a violation of probation and received a sentence of one to three years in jail for that. While prior convictions certainly do not preclude someone from truthfully testifying in court, in this case Person E was not in court, did not take any oath, and could not even be questioned to determine if there was anything biasing him in a way that would undermine the veracity of his account.

As opposed to my ability to hear and observe Respondents as they testified, I do not have any way to judge the demeanor of either Person A or Person E or to have their accounts tested by cross-examination. Also, neither can be questioned to learn if they spoke to each other, or in essence compared notes, before presenting their accounts.

As I have found the Respondent Desormeau's testimony to be credible, based on the above reasons, the hearsay statements of Person A and Person E do not meet the CCRB's burden of proving the charges about the unlawful use of force by a preponderance of the credible evidence. As such, I find Respondent Desormeau Not Guilty of Specifications 1 and 2.

Disciplinary Case No. 2015-13940 and Disciplinary Case No. 2015-13945

These two cases stem from an allegation made by Person C to CCRB that he was "dragged" out of a car and frisked and "fondled" by a police officer. He further alleged that the officer failed to give him his shield number. The two officers charged in the case, Respondents Lalchan and Desormeau, do not remember stopping Person C.

Person C did not respond to a subpoena to appear to testify at trial. The evidence presented in the case by CCRB consisted of the transcript and audio CD of Person C's interview with a CCRB investigator (CCRB Ex. 1A). In his interview, Person C states that he was in a friend's car on April 10, 2014, on [REDACTED] in Queens. He only knows the friend's first name,

Ed, and does not know how to contact him. Person C told the investigator that as he was getting out of the parked car, he heard the words, "Police, keep your hands up." He stated that he put his hands up because "police officer[s] will shoot you if, if for no reason, right?" (CCRB Ex. 1A 13-14) He further stated that one man, "[said] get out of the car, he dragged me, turned me around and started patting me down, searching me; and then he finally after a while he just grabbed my penis, he grabbed it, squeezed it and I'm like yo, I started screaming at him, what are you doing?" CCRB Ex. 1A, 3) Person C told the investigator that while he was screaming the other man went to his friend who had been driving and asked for his license. (CCRB Ex. 1A, 3-4) Person C stated that this second man didn't say much to "Ed" besides, "your license please." (CCRB Ex. 1A, 20) The friend took his license out but this second man never even looked at it, but rather just said, "Let's get out of here," and both men left. (CCRB Ex. 1A, 4) When asked what Ed's demeanor was, Person C said his demeanor was "he was waiting," and added, "we can't put any negative demeanor towards officers due to the fact they will shoot you, they will do harm to you." (CCRB Ex. 1A, 21)

Person C told CCRB that as the two men were leaving he said he needed a badge number and the one man, "just screamed 364 or 365" and "screamed my name is Det. Willen [phonetic]" (CCRB Ex. 1A, 4) Person C described the car the two men drove off in as a "black Hyundai, two door, tinted windows." He and his friend tried to follow the vehicle but could not catch up. They did not get a license plate number. (CCRB Ex. 1A, 4) He called 911 to report what happened and the dispatcher told him he must be lying. Three or four police cars arrived and took down his information. (CCRB Ex. 1A, 5)

When asked to provide a description to the CCRB investigator, Person C described the man who pulled him out of his car as being black, about 6'1", around 200 pounds, with a pointy

nose. He also said he "couldn't see anything due to the fact he turns me around." He stated the man was wearing a t-shirt and black hat. When asked how old the man looked, Person C said he had no idea and that it was not his job to distinguish the age. (CCRB Ex. 1A, 9-10) Person C described the other man as possibly Guyanese or Trinidadian with black slick hair. (In CCRB 1A, 11, described as unintelligible but listen to CCRB Ex. 1B). He was wearing blue jeans, blue t-shirt, and he was about 5'10 or 11" and was "stocky". (CCRB Ex. 1A, 11-12)

Respondent Desormeau testified that he had no recollection of having any contact with a man named Person C. His recollection was not refreshed by being told the date, time and location of the alleged encounter. (Tr. 8-9) He had no memo book entries for the date. (Tr. 15) He further testified that it was his common practice to show his identification card and shield number to a civilian who requests his identification. He testified that he never failed to do this. His practice with regard to making stops was to fill out a Stop Question and Frisk form (UF-250). He could not recall any instance over the previous three or four years where he had stopped an individual and failed to fill out the form. (Tr. 9-10)

On cross-examination, it was stipulated that based on the roll call Respondent Desormeau's tour of duty on September [*sic* in transcript – should be April] 10, 2014, was from 13:27 to 22:00. He acknowledged that he was in plainclothes and his partner was Respondent Lalchan. (Tr. 11) The confines of his Precinct that night were the 103rd and 113th precinct. He testified that he thinks the location in question is in the 105th Precinct. He believes, but is not sure if the 105th Precinct was adjacent to the 103rd Precinct. (Tr. 11-12) The vehicle he and Respondent Lalchan were assigned that evening was a black four-door Hyundai with tinted windows. (Tr. 12-13) At the time Respondent Desormeau was 5'8" and weighed approximately 200 pounds. (Tr. 13) He testified that his nose had never been described as pointy. (Tr. 13)

Respondent Lalchan, again after being told of the alleged date, time, and location of the alleged incident, had no recollection of it. (Tr. 16-17) He testified that it was his practice when asked to identify himself by a civilian to verbally give them his name and shield number. (Tr. 17-18) It was also his practice to fill out a UF-250 form whenever he conducted a stop and frisk. (Tr. 18, 20) On April 10, 2014, he was not a Detective and his hair was very short. (Tr. 18) On that date he was approximately 5'10" and weighed approximately 230 pounds. (Tr. 21) He has heard the term "cooly", but doesn't know what it means. His ethnicity is West Indian. (Tr. 20) Respondent Lalchan did make memo book entries for the day in question but there is no entry for a stop. (Tr. 22-23)

The CCRB has the burden of proving the charges by a preponderance of the credible evidence. In this case I find that they have not met this burden. Person C did not appear at trial and in his hearsay statement he failed to identify either Respondent with sufficient details to conclude that they were more likely than not to have stopped Person C. First of all he provided no description of the age of either Respondent. He became somewhat argumentative with the CCRB investigator when asked to estimate the ages and said it wasn't his job make those determinations.

Person C described the man who pulled him out of the car and frisked him (the charges against Respondent Desormeau) as being black, about 6'1", around 200 pounds, with a pointy nose. Respondent Desormeau, at 5'8" is not even close to being 6'1, weighs significantly more than 200 pounds, and did not appear to this tribunal to have a "pointy" nose. Person C's description of the man who he claims interacted with "Ed" was close to the height and weight of Respondent Lalchan but the description of the hair as "cooly" or slick black hair does not match Respondent Lalchan's hair. Based on his demeanor and manner of testifying, I credit

Respondent Lalchan's testimony that his hair was similar on April 10, 2014, to the way it was at trial.

It is also of note that Person C described the car as a two door car when the car driven by the Respondents was a four door car. While the car driven by Respondent Desormeau and Respondent Lalchan that evening was a black Hyundai with tinted windows, the number of doors on a vehicle is a significant identifying feature which Person C did not correctly identify. Person C also said one of the men was a Detective while at the time of the alleged stop neither Respondent was a Detective.

In addition to the lack of sufficient identifying details in Person C's statement, there are other reasons to question the credibility of his account. First of all, Person C twice made statements attributing negative behaviors to all police. This is a clear indication of undue bias which may have tainted his version of events. Without the benefit of having Person C testify further about his views and any possible bias, or lack thereof, we are left with an account that cannot be fully credited.

Person C's story itself also has aspects which call its credibility into question. He describes being in the car with a friend and yet he doesn't even know his last name. He also describes a situation where the police grabbed and squeezed his penis but then immediately ran off when he screamed. Without more, this scenario seems highly unlikely.

Based on the above reasons, I find that Respondent Desormeau and Respondent Lalchan are Not Guilty of all specifications in these two cases.

PENALTY RECOMMENDATIONS

In order to determine an appropriate penalty, Respondent Cano's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974). Respondent Cano

was appointed to the Department on July 9, 2007. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.


CCRB has requested a penalty of the forfeiture of seven vacation days based on four charges brought against Respondent Cano. Respondent Cano has only been found guilty of one of those charges. In similar cases, a nine-year detective with no prior disciplinary record forfeited three vacation days for frisking a complainant without sufficient legal authority. Disciplinary Case Nos. 2014-12473 & 2014-12474, signed September 21, 2015. In another case, a seven-year police officer with no prior disciplinary record forfeited two vacation days for frisking a complainant without sufficient legal authority. Disciplinary Case No. 2014-11138, signed September 22, 2015. Based on these case and a review of the attached confidential memorandum, I recommend a penalty of the forfeiture of two vacation days in this case.

Respectfully submitted,



Nancy R. Ryan
Assistant Deputy Commissioner Trials

APPROVED

FEB 13 2017

JAMES P. O'NEILL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER CARLOS CANO
TAX REGISTRY NO. 944411
DISCIPLINARY CASE NO. 2014-12627

Respondent was appointed to the Department on July 9, 2007. In his last three performance evaluations, he received a 4.5 "Extremely Competent/Highly Competent," 5.0 "Extremely Competent," and a 4.0 "Highly Competent." He has seven medals for Excellent Police Duty and three medals for Meritorious Police Duty.

[REDACTED]
[REDACTED] Respondent has no prior formal disciplinary history.

For your consideration.

Nancy R. Ryan
Assistant Deputy Commissioner Trials